In re Patent Application of

TAMAKI et al. Atty. Ref.: CC-925-319

Serial No. 10/531,085 TC/A.U.: 1793

Filed: April 11, 2005 Examiner: C. Koslow

For: OXYNITRIDE PHOSPHOR AND PRODUCTION PROCESS THEREOF, AND LIGHT-EMITTING DEVICE USING OXYNITRIDE

PHOSPHOR

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November 25, 2009

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Listed on accompanying Form PTO/SB/08a is information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. At least one of the boxes below applies to the present application:

- 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date **OR RCE** OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
 - a. Contingent Request to Treat Under 37 C.F.R. § 1.97(c)

 In the event a first Office Action has been mailed prior to filing of the present Information Disclosure Statement and the Office Action was mailed

more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

b. Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1)
In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months ago prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b.1. Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

c. Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(2)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested

to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(2) in that the undersigned hereby states that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a.1. Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to

the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d). b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2). Attached is our check in the amount of \$ in payment of c. the fee under 37 C.F.R. § 1.17(p). 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee 37 C.F.R. § 1.97(d). It is hereby requested that the Information Disclosure Statement be considered. Attached is our in payment of the fee under 37 C.F.R. § 1.17(i). check in the amount of \$ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months ago prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). a.1. Patent Term Adjustment I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

	b. I hereby state that no item of information in this Information
	Disclosure Statement was cited in a communication from a foreign patent
	office in a counterpart foreign application, and, to my knowledge after
	making reasonable inquiry, no item of information contained in this
	Information Disclosure Statement was known to any individual designated
	in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this
	Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
4.	Relevance of the non-English language document(s) is discussed in the
present speci	fication.
5.	☐ The document(s) was/were cited in a corresponding foreign application
An English la	anguage version of the foreign search report or official action is attached for
the Examiner	's information. See MPEP § 609.
	a. U.S. Patent No. is indicated in the foreign search report or
	Official Action as being in the same patent family and/or the English-
	language equivalent of listed on the attached foreign search report.
6.	A concise explanation of the relevance of the non-English language
document(s)	appears below:
7.	The "foreign patent documents" or "other documents" were cited by the
Examiner or	submitted by the Applicant in Application No. , filed , which is
relied upon fo	or an earlier filing date under 35 U.S.C. § 120. Thus, copies of these
documents ar	re not attached. 37 C.F.R. § 1.98(d).
8.	☐ The publication date (e.g., month or year) of at least one of the listed
documents is	not available. For each document in this category, the Office is requested
to assume tha	at the year of publication of each listed document is earlier than the effective
U.S. filing da	te and/or any foreign priority date.
9.	The publication date of at least one document is listed on the attached
PTO/SB/08a	based on information presently available to the undersigned. However,
each listed pu	ablication date should not be construed as an admission that the information

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was actually published on the date indicated, and the right to challenge each listed publication date is expressly reserved by Applicant(s).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO/SB/08a, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number CC-925-319.

Respectfully submitted,

NIXON & VANDERHYE P.C.

Bv:

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